BEST COPY
AVAILABLE

MT LEGISLATIVE HISTORY

Chapter 89 1981

Bill H _____ (S) 35 Original bill & hist. ___C

H. Committee on Local Government		S. Committee on Local Government	
Hearing Date(s) Mar 03	✓C	Hearing Date(s) Jan 08	✓C
Mar 05	✓C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C	_____	___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

47TH LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO NOT PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND, DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
22	01/05/81	01/22/81	Tabled 2/3						
28	01/05/81	01/06/81	01/06/81	01/06/81					
35	01/05/81	01/08/81	01/08/81	01/08/81					
48	01/05/81	01/08/81	01/29/81			01/29/81			
48	Returned 02/06/81	02/18/81	02/18/81	02/18/81					
50	01/05/81	01/17/81	02/18/81			02/18/81			
74	01/08/81	Transferred out of committee 01/15/81							
84	01/09/81	01/20/81	02/18/81			02/18/81			
115	01/14/81	01/20/81	01/29/81			01/29/81			
116	01/14/81	01/24/81	02/03/81		02/03/81				
121	01/14/81	01/22/81	02/18/81		02/18/81				
131	01/14/81	01/24/81	02/18/81			02/18/81			
133	01/15/81	02/14/81	02/14/81	02/14/81					
152	01/16/81	01/29/81	02/03/81	02/03/81					
153	01/16/81	01/29/81	02/14/81		02/14/81				
155	02/10/81		02/17/81	02/17/81					

(Use Separate Sheet for Senate, House Bills, and Resolutions)

STATE LAW LIBRARY
MAY 5 1981
OF MONTANA

SENATE BILL NO. 35

INTRODUCED BY S. BROWN

BY REQUEST OF THE STUDY COMMITTEE ON ANNEXATION LAWS

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA SUBDIVISION AND PLATTING ACT TO PROVIDE FOR JOINT HEARINGS AND COORDINATION OF REQUIREMENTS FOR ANNEXATION WHENEVER POSSIBLE; AMENDING SECTIONS 76-3-601 AND 76-3-605, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-601, MCA, is amended to read:

"76-3-601. Submission of preliminary plat for review. (1) Except where a plat is eligible for summary approval, the subdivider shall present to the governing body or the agent or agency designated thereby the preliminary plat of the proposed subdivision for local review. The preliminary plat shall show all pertinent features of the proposed subdivision and all proposed improvements.

(2) (a) When the proposed subdivision lies within the boundaries of an incorporated city or town, the preliminary plat shall be submitted to and approved by the city or town governing body.

(b) When the proposed subdivision is situated entirely in an unincorporated area, the preliminary plat shall be submitted to and approved by the governing body of the county. However, if the proposed subdivision lies within 1 mile of a third-class city or town or within 2 miles of a second-class city or within 3 miles of a first-class city, the county governing body shall submit the preliminary plat to the city or town governing body or its designated agent for review and comment.

(c) If the proposed subdivision lies partly within an incorporated city or town, the proposed plat thereof must be submitted to and approved by both the city or town and the county governing bodies.

(d) When a proposed subdivision is also proposed to be annexed to a municipality, the governing body of the municipality shall coordinate the subdivision review and annexation procedures to minimize duplication of hearings, reports, and other requirements whenever possible.

(3) This section and 76-3-604, 76-3-605, and 76-3-608 through 76-3-610 do not limit the authority of certain municipalities to regulate subdivisions beyond their corporate limits pursuant to 7-3-4444."

Section 2. Section 76-3-605, MCA, is amended to read:

"76-3-605. Hearing on preliminary plat. (1) The governing body or its authorized agent or agency shall hold a public hearing on the preliminary plat and shall consider all relevant evidence relating to the public health, safety, and welfare, including the environmental assessment, to

INTRODUCED BILL
SB 35

STATE LAW LIBRARY
Justice Building
215 N. Sanders
Helena, Montana 59620

determine whether the plat should be approved, conditionally approved, or disapproved by the governing body.

(2) When a proposed subdivision is also proposed to be annexed to a municipality, the governing body of the municipality shall hold joint hearings on the preliminary plat and annexation whenever possible.

~~(2)~~(3) Notice of such hearing shall be given by publication in a newspaper of general circulation in the county not less than 15 days prior to the date of the hearing. The subdivider and each property owner of record immediately adjoining the land included in the plat shall also be notified of the hearing by registered or certified mail not less than 15 days prior to the date of the hearing.

~~(3)~~(4) When a hearing is held by an agent or agency designated by the governing body, the agent or agency shall act in an advisory capacity and recommend to the governing body the approval, conditional approval, or disapproval of the plat. This recommendation must be submitted to the governing body in writing not later than 10 days after the public hearing."

-End-

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

January 8, 1981

The meeting of the Local Government Committee was called to order by Chairman George McCallum on January 8, 1981 at 1:15 p.m. in Room 405, State Capitol.

ROLL CALL: Roll was called with Senators Story, Thomas and Van Valkenburg coming in late due to a Finance and Claims Committee meeting.

Several visitors were in attendance. (See Attachments.)

Senator McCallum requested the committee dispense with reading minutes of previous meeting at this and future meetings of the Local Government Committee. Senator O'Hara made a motion in this respect and Senator Ocshner seconded. The motion passed unanimously.

CONSIDERATION OF SENATE BILL NO. 35: Senator Steve Brown of Lewis and Clark County, sponsor of the bill, stated the purpose of this bill was to simplify the process of annexing subdivisions to municipalities. He believes cities and counties should combine meetings whenever possible to save everyone a lot of time and hassle.

There were no further proponents and no opponents.

Senator McCallum asked for questions from the Committee. There were no questions.

CONSIDERATION OF SENATE BILL NO. 48: Senator Dorothy Eck, sponsor of the bill, said she believes Montana should seriously consider excluding from nepotism the appointment of a spouse, child or parent to technical or scientific positions if there are no other skilled or qualified applicants available for the position. This is particularly important in Montana due to the sparse population. She continued that if you are looking for a person with scientific or technical skills (which many positions are part-time) frequently applicants are not available. She was especially addressing a situation where you have a husband and wife team. She stated there are ways to get around the law, such as setting up a consulting team of which your spouse is a member. She feels it would be more appropriate to have an exemption from the law. She pointed out that (2)(b) should be rewritten with the language in (1)(a), line 16 through 19 to conform with that subsection.

Senator Eck explained this bill provides that there was no one else as qualified or available applying for the position. Anyone else would have first preference.

Senator McCallum asked Wayne Buchanan if Section 1 of this bill should be interpreted to mean, for example, the Department of Archeology or the Department of Natural Resources. Mr. Buchanan assumed it means any state department or university.

Senator Thomas asked if this wasn't doing away with half of the nepotism law. The terms technical and scientific could be interpreted broadly. And, as far as taking the most qualified applicant, the hiring body could write the qualifications to fit that person.

Wayne Buchanan pointed out the safeguards in the bill. He said they would have to set down criteria in case of challenges. If someone thought special favoritism was being shown, they could look at the other applications for the position and see if anyone else was equally qualified. He thinks it would be difficult to get away with hiring someone else who was not as qualified.

Debbie Schmidt will do more research on Senate Bill No. 48.

There was no further discussion on Senate Bill No. 48.

Senator McCallum set a hearing date for January 17, 1981 at 1:15 p.m. in Room 405 for Senate Bill No. 50 which involves the Salary Commission.

ACTION ON SENATE BILL NO. 35: Senator Thomas motioned that Senate Bill No. 35 DO PASS. It was seconded by Senator Ochsner and passed unanimously.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 1:45 p.m.

George McCallum
Chairman, George McCallum

gs

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date Jan 8, 1981

NAME	PRESENT	ABSENT	EXCUSED
Senator George McCallum	✓		
Senator Jesse O'Hara	✓		
Senator Pete Story	✓		
Senator J. Donald Ochsner	✓		
Senator Bill Thomas	✓		
Senator Max Conover	✓		
Senator Fred Van Valkenburg	✓		

Each day attach to minutes.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date January 8, 1981 Bill No. 35 Time 1:40 p.m.

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator Pete Story	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg	✓	

Secretary, Gail Stockwell

Chairman, GEORGE MCCALLUM

Motion: Senator Thomas motioned that Senate Bill No. 35 DO PASS.

It was seconded by Senator Ochsner and passed unanimously.

(include enough information on motion--put with yellow copy of committee report.)

DATE January 8, 1981

COMMITTEE ON LOCAL GOVERNMENT BILL NO. 35

VISITOR'S REGISTER

NAME	REPRESENTING	Check One: Support	Check One: Oppose
Beverly Gibson	Mt. Assn. of Counties	✓	
Betti Christie	Office Public Instruction		
Susan Good	MMHEA		
Margaret Davis	League of Women Voters	✓	
Linda Abel	Gov. O'Hara staff		
Tom Dowling	Mont. R.R. Assn	—	—
Senator Stan Stephens			
Dan Snow	Environmental Info. Center		
~~[illegible]~~	~~[illegible]~~	~~✓~~	

(Please leave prepared statement with Secretary)

LOCAL GOVERNMENT COMMITTEE

1981 Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 28	A bill for an act entitled: "An act to revise the procedure for declaring an office forfeited by reason of cash shortage found in an ~~audit by the Department of~~ Community Affairs amending Section 2-7-511, MCA."	Jan. 13	Mazurek	March 3	BE CONCURRED IN	3/4
SB 35	To amend the Montana subdivision and platting act to provide for joint annexation hearings	1/17	S. Brown	March 3, 1981	BE CONCURRED IN	3/6
HB 192	To modify and define Public interest criteria for local government review of subdivisions	Jan. 14	Moore	Sat. 2/7	AS AMENDED DO PASS 2/16 (unan.)	2/17
HB 227	To eliminate the Board of County Printing and its functions	Jan. 15	Sales	Jan. 29	DO PASS AS AMENDED 2/9	2/10
HB 228	To remove the liability of taxable property in a city or town for payment of principal and interest on SID bonds issued after ~~June 30, 1981...~~	Jan. 15	Sales	Jan. 29	DO NOT PASS 2/10	2/11

Form CS-32
1-79

REP PISTORIA commented to Senator Hager that he sees nothing wrong with this bill.

CHAIRMAN BERTELSEN asked if there were any further questions. As there were none, he closed the hearing on Senate Bill 69.

REP. KITSELMAN moved that we concur in Senate Bill 69.

REP. HANNAH asked what makes this enabling legislation as opposed to mandatory?

CHAIRMAN BERTELSEN said they don't have to go to the ceiling.

QUESTION was called for on the motion that SB 69 be concurred in. Of the 13 committee members present, 11 responded "aye". REP. SALES voted "no" by proxy, and REPS. ANDREASON and HANNAH were also opposed. MOTION CARRIED and SB 69 was concurred in by majority vote.

SENATE BILL 35

CHAIRMAN BERTELSEN had waited for Senator Steve Brown, sponsor of this bill, to introduce it, but since he did not show, he felt perhaps the witnesses could testify so they wouldn't have to return at a later date.

PROPONENTS FOR SENATE BILL 35

MARGARET DAVIS represented the Montana League of Women Voters. She said they support this bill for clarification purposes.

NEIL WETSCH said he represents the Montana Home Builders' Association. This is a small step, but one in the right direction and we suppo t SB 35.

SENATOR BROWN will be asked to attend a future meeting and discuss said bill.

The meeting was adjourned at 1:15 p.m.

Verner L. Bertelsen, Chairman

hbm

VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

BILL SENATE BILL 35 Date March 3, 12:30 p.m.

SPONSOR SENATOR STEVE BROWN

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPO
[illegible]	[illegible]	[illegible]	X	
[illegible]	[illegible]	[illegible]	X	
[illegible]	[illegible]	[illegible]	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT COMMITTEE
March 5, 1981

The Local Government Committee met March 5, 1981 at 12:30 p.m. in Room 103 of the Capitol.

CHAIRMAN BERTELSEN called the meeting to order and asked the secretary to call the roll. All committee members were present except REPRESENTATIVES HURWITZ and WALDRON who were absent and REP. MATSKO who was excused because of illness. Staff Reseacher Lee Heiman also attended the meeting.

SENATOR STEVE BROWN was introduced since he was the sponsor of SENATE BILL 35 which was heard on March 3. He apologized for not attending said meeting and said all he asked was that the committee support SENATE BILL 35.

SENATE BILL 115 - sponsored by Senator George McCallum.

CHAIRMAN BERTELSEN introduced SENATOR McCALLUM. He stated the reason the bill was introduced was because of something that happened in his area where a garbage district was formed by the people. They had an understanding of what the fee would be, but when it came out in the taxes, it was about double. This upset a number of people. This bill allows the proposed fee to be charged but if there is any objection to it, there will be a hearing, provided more than 50% of the owners have signed a petition. The hearing will be held to determine an acceptable fee. This bill would make it necessary that everybody know what the fee would be and if they protested with the necessary 50%, they would have a hearing to straighten out the matter. Perhaps no one would have kicked if they'd originally known the exact amount of the charge.

PROPONENTS FOR SENATE BILL 115. There were none. The CHAIRMAN then called for OPPONENTS to Senate Bill 115 and there were none. He asked Senator McCallum if he'd like to close.

SENATOR McCALLUM said "I close".

QUESTIONS FROM COMMITTEE MEMBERS:

REP. ANDRESON asked Senator McCallum if he didn't think requiring 50% of the people to sign a protest before the Board of Commissioners would set a hearing was a rather high percentage?

SENATOR McCALLUM replied it could be high, but 50% was the figure set. Some people think it should be even higher. If people had known what the charge would be, they wouldn't have been as upset as they were when they were billed for it.

resolution creating the district in its final form as they feel that the majority of the people will agree to it. Every year thereafter the city council has to pass a resolution relating to the lighting districts for assessments because Montana Power raises the rates as approved by the Public Service Commission. Once the lighting district is created, the property owners still have the opportunity to protest in case that special improvement district to be dissolved or altered. It happens all the time. There is a full range of review from front to back on lighting districts.

CHAIRMAN BERTELSEN asked if there were further questions. As there were none, he closed the hearing on SENATE BILL 152.

EXECUTIVE SESSION:

SENATE BILL 35 - sponsored by Senator Steve Brown.

REP. SALES moved that SENATE BILL 35 BE CONCURRED IN.

CHAIRMAN BERTELSEN stated this bill proposes a joint hearing for the municipality and subdivision review.

QUESTION is whether SENATE BILL 35 be concurred in.

All in favor say "aye". All voted "aye" and the MOTION CARRIED by UNANIMOUS VOTE.

SENATE BILL 115 - sponsored by Senator George McCallum

REP. SALES moved that Senate Bill 115 BE CONCURRED IN.

CHAIRMAN BERTELSEN asked if there were any questions or discussion. This bill has to do with protest hearings on refuse districts.

REP. ANDREASON said he'd like a little discussion on the percentage figure. It seems to me that the percentage is quite high.

REP. GOULD suggested that it be left as is for now. If there are any problems, it can be changed at the next legislative session.

REP. HANNAH said he sees no need for the bill. There is one localized problem over one localized sewer district and this bill is designed to address that problem.

REP. SALES responded to Rep. Hannah. We set up a rural garbage district 10 years ago in Gallatin County. It took in Three Forks, Manhattan, Belgrade and all the rural area. Over 6,000 people

STANDING COMMITTEE REPORT

March 6, 19 73

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 35

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA SUBDIVISION AND PLATTING ACT TO PROVIDE FOR JOINT HEARINGS AND COORDINATION OF REQUIREMENTS FOR ANNEXATION WHEREVER POSSIBLE; AMENDING SECTIONS 76-3-601 AND 76-3-605, MCA."

Respectfully report as follows: That SENATE Bill No. 35

DO CONCURRED IN

DO PASS

WALTER L. DEASCHLER Chairman.

STATE PUB. CO.
Helena, Mont.